

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

THERESA LYNN ELLIS,

Plaintiff,

v.

Civil Action No. 2:14-21419

CAROLYN W. COLVIN,  
Acting Commissioner of the Social  
Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Cheryl A. Eifert, entered on August 7, 2015; and the magistrate judge having recommended that the court grant Plaintiff's request for remand, deny Defendant's request to affirm the decision of the Commissioner, reverse the final decision of the Commissioner, remand this matter pursuant to sentence four of 42 U.S.C. § 405(g), and dismiss this action from the docket of the court; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that:

1. The findings made in the Proposed Findings and Recommendation of the magistrate be, and they hereby are, adopted by the court and incorporated herein;

2. The Plaintiff's request for a remand be, and it hereby is, granted;

3. The Defendant's request to affirm the decision of the Commissioner be, and it hereby is, denied;

4. The decision of the Commissioner be, and it hereby is, reversed;

5. This action be, and it hereby is, remanded pursuant to sentence four of 42 U.S.C. § 405(g), which proceedings shall include reconsideration of the evidence of Plaintiff's lumbar spine condition and the Plaintiff's credibility in light of the medical opinion evidence, all as discussed in the magistrate judge's Proposed Findings and Recommendation.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and the United States Magistrate Judge.

DATED: August 27, 2015

  
John T. Copenhaver, Jr.  
United States District Judge